IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.120 OF 2003

1. Smt. Sebastian Fernandes,
   w/o late Ubaldo Rebello,
   D/o late Teadojio Fernandes,
   major in age, housewife;

2. Mr. Sunil Rebello, s/o late
   Ubaldo Rebello, major in age,
   Occupation service;

3. Miss. Rosy Rebello, d/o late
   Ubaldo Rebello, major in age,
   All r/o H.No.381/A, Muthal,
   Sadolxem, Canacona-Goa ... PETITIONERS

VERSUS

1. Smt. Concesao Rosai Fernandes,
   w/o late Rosario Fernandes,
   major in age, housewife,
   r/o Cornamolem, Bhatpal,
   Canacona-Goa;

2. Shri Caitan Fernandes,
   major in age, service,
   r/o Bhatpal,
   Canacona-Goa ... RESPONDENTS.

Shri C.A. Coutinho, Advocate for the Petitioners.

Shri Sudin Usgaonkar, Advocate for Respondent No.2.

CORAM : S.J. VAZIFDAR,J.

DATED : APRIL 17, 2003.

ORAL JUDGMENT

Rule, returnable forthwith.

2. The impugned Order is set aside. The Petitioners shall be permitted to produce the further

documents. It is clarified, however, that this Order does not permit the documents being received in evidence. This is an issue which shall be decided by the Trial Court. The Order is without prejudice to the rights and contentions of the Respondents as to whether the documents can be received in evidence.

The Petition is accordingly disposed of. The Petitioners shall pay the costs fixed at Rs.1,000/- as a condition precedent.

S.J. VAZIFDAR,J.

ac.